

not forget. Let all the gods gather round the sacrifice, except Enlil. He shall not approach this offering, for without reflection he brought the flood; he consigned my people to destruction.'

When Enlil had come, when he saw the boat, he was wrath and swelled with anger at the gods, the host of heaven, 'Has any of these mortals escaped? Not one was to have survived the destruction.' Then the god of the wells and canals Ninurta opened his mouth and said to the warrior Enlil, 'Who is there of the gods that devise without Ea? It is Ea alone who knows all things.' Then Ea opened his mouth and spoke to warrior Enlil, 'Wisest of gods, hero Enlil, how could you so senselessly bring down the flood?

Lay upon the sinner his sin,
Lay upon the transgressor his transgression,
Punish him a little when he breaks loose,
Do not drive him too hard or he perishes;
Would that a lion had ravaged mankind
Rather than the flood,
Would that a wolf had ravaged mankind
Rather than the flood,
Would that famine had wasted the world
Rather than the flood,
Would that pestilence had wasted mankind
Rather than the flood.

It was not I that revealed the secret of the gods; the wise man learned it in a dream. Now take your counsel what shall be done with him.'

"Then Enlil went up into the boat, he took me by the hand and my wife and made us enter the boat and kneel down on either side, he standing between us. He touched our foreheads to bless us saying, 'In time past Utapishtim was a mortal man; henceforth he and his wife shall live in the distance at the mouth of the rivers.' Thus it was that the gods took me and placed me here to live in the distance, at the mouth of the rivers."

From Hammurabi's Code

King Hammurabi of Babylon conquered the entire area of Mesopotamia (including Sumer) between 1793 and 1750 B.C.E. His law code provides us with a rare insight into the daily life of ancient urban society.

Law codes give us an idea of a people's sense of justice and notions of proper punishment. This selection includes only parts of Hammurabi's Code, so we cannot conclude that if something is not mentioned here it was not a matter of legal concern. We can, however, deduce much about Babylonian society from the laws mentioned in this essay.

What do these laws tell us about class divisions or social distinctions in Babylonian society? What can we learn from these laws about the roles of women and men? Which laws or punishments seem unusual today? What does that difference suggest to you about ancient Babylon compared to modern society?

Thinking Historically

As a primary source, law codes are extremely useful. They zero in on a society's main concerns, revealing minutiae of daily life in great detail. But, for a number of reasons, law codes cannot be viewed as a precise reflection of society.

We cannot assume, for instance, that all of Hammurabi's laws were strictly followed or enforced, nor can we assume that for our own society. If there was a law against something, we can safely assume that some people obeyed it and some people did not. (That is, if no one engaged in the behavior, there would be no need for the law.) Therefore, law codes suggest a broad range of behaviors in a society.

While laws tell us something about the concerns of the society that produces them, we cannot presume that all members of society share the same concerns. Recall that, especially in ancient society, laws were written by the literate, powerful few. What evidence do you see of the upper-class "patrician" composition of Babylonian law in this code?

Finally, if an ancient law seems similar to our own, we cannot assume that the law reflects motives, intents, or goals similar to our own laws. Laws must be considered within the context of the society in which they were created. Notice, for instance, the laws in Hammurabi's Code that may seem, by our standards, intended to protect women. On closer examination, what appears to be their goal?

"Hammurabi's Code," from C. H. Johns, *Babylonian and Assyrian Laws, Contracts and Letters* [Library of Ancient Inscriptions] (New York: Charles Scribner's Sons, 1904), 33-35.

Theft

6. If a man has stolen goods from a temple, or house, he shall be put to death; and he that has received the stolen property from him shall be put to death.
8. If a patrician has stolen ox, sheep, ass, pig, or goat, whether from a temple, or a house, he shall pay thirtyfold. If he be a plebeian, he shall return tenfold. If the thief cannot pay, he shall be put to death.
14. If a man has stolen a child, he shall be put to death.
15. If a man has induced either a male or female slave from the house of a patrician, or plebeian, to leave the city, he shall be put to death.
21. If a man has broken into a house he shall be killed before the breach and buried there.
22. If a man has committed highway robbery and has been caught, that man shall be put to death.
23. If the highwayman has not been caught, the man that has been robbed shall state on oath what he has lost and the city or district governor in whose territory or district the robbery took place shall restore to him what he has lost.

Family

128. If a man has taken a wife and has not executed a marriage-contract, that woman is not a wife.
129. If a man's wife be caught lying with another, they shall be strangled and cast into the water. If the wife's husband would save his wife, the king can save his servant.
130. If a man has ravished another's betrothed wife, who is a virgin, while still living in her father's house, and has been caught in the act, that man shall be put to death; the woman shall go free.
131. If a man's wife has been accused by her husband, and has not been caught lying with another, she shall swear her innocence, and return to her house.
138. If a man has divorced his wife, who has not borne him children, he shall pay over to her as much money as was given for her bride-price and the marriage-portion which she brought from her father's house, and so shall divorce her.
139. If there was no bride-price, he shall give her one mina of silver, as a price of divorce.
140. If he be a plebeian, he shall give her one-third of a mina of silver.
148. If a man has married a wife and a disease has seized her, if he is determined to marry a second wife, he shall marry her. He shall not divorce the wife whom the disease has seized. In the home they made together she shall dwell, and he shall maintain her as long as she lives.

149. If that woman was not pleased to stay in her husband's house, he shall pay over to her the marriage-portion which she brought from her father's house, and she shall go away.

153. If a man's wife, for the sake of another, has caused her husband to be killed, that woman shall be impaled.

154. If a man has committed incest with his daughter, that man shall be banished from the city.

155. If a man has betrothed a maiden to his son and his son has known her, and afterward the man has lain in her bosom, and been caught, that man shall be strangled and she shall be cast into the water.

156. If a man has betrothed a maiden to his son, and his son has not known her, and that man has lain in her bosom, he shall pay her half a mina of silver, and shall pay over to her whatever she brought from her father's house, and the husband of her choice shall marry her.

186. If a man has taken a young child to be his son, and after he has taken him, the child discovers his own parents, he shall return to his father's house.

188, 189. If a craftsman has taken a child to bring up and has taught him his handicraft, he shall not be reclaimed. If he has not taught him his handicraft that foster child shall return to his father's house.

Assault

195. If a son has struck his father, his hands shall be cut off.
196. If a man has knocked out the eye of a patrician, his eye shall be knocked out.
197. If he has broken the limb of a patrician, his limb shall be broken.
198. If he has knocked out the eye of a plebeian or has broken the limb of a plebeian's servant, he shall pay one mina of silver.
199. If he has knocked out the eye of a patrician's servant, or broken the limb of a patrician's servant, he shall pay half his value.
200. If a patrician has knocked out the tooth of a man that is his equal, his tooth shall be knocked out.
201. If he has knocked out the tooth of a plebeian, he shall pay one-third of a mina of silver.

Liability

229. If a builder has built a house for a man, and has not made his work sound, and the house he built has fallen, and caused the death of its owner, that builder shall be put to death.

230. If it is the owner's son that is killed, the builder's son shall be put to death.

231. If it is the slave of the owner that is killed, the builder shall give slave for slave to the owner of the house.

232. If he has caused the loss of goods, he shall render back whatever he has destroyed. Moreover, because he did not make sound the house he built, and it fell, at his own cost he shall rebuild the house that fell.

237. If a man has hired a boat and a boatman, and loaded it with corn, wool, oil, or dates, or whatever it be, and the boatman has been careless, and sunk the boat, or lost what is in it, the boatman shall restore the boat which he sank, and whatever he lost that was in it.

238. If a boatman has sunk a man's boat, and has floated it again, he shall pay half its value in silver.

251. If a man's ox be a gorer, and has revealed its evil propensity as a gorer, and he has not blunted its horn, or shut up the ox, and then that ox has gored a free man, and caused his death, the owner shall pay half a mina of silver.

252. If it be a slave that has been killed, he shall pay one-third of a mina of silver.

ZAHİ HAWASS

Love and Marriage in Ancient Egypt

With the urban revolution, people unrelated to each other began living together in large, organized communities. To do so peaceably they needed not only laws (like Hammurabi's Code) to punish unacceptable behavior but also a body of common values to regulate social practices and relationships. Marriage was one of the most important of these relationships, because it formed the core bond of the society—the family—and affected other important aspects of social life such as inheritance and the performing of funerary rites. In the following section, Hawass, a modern archaeologist and historian, draws from a

Zahi Hawass, *Silent Images: Women in Pharaonic Egypt* (New York: Harry N. Abrams, Inc., 2000), 72–81.

number of primary sources to create a portrait of love and marriage in ancient Egypt, and to illuminate the ideals and laws that might have shaped them. How does Hawass's description of Egyptian civilization compare to the primary sources from Mesopotamia? Do you see any signs in this selection that Egypt was a happier civilization than Mesopotamia? What signs of patriarchy do you see in ancient Egypt? What powers did Egyptian women enjoy? How would you compare the lives of Egyptian women with the lives of women living in other ancient civilizations?

Thinking Historically

Notice how the author refers to ancient primary sources, and how he uses them. How do these primary sources enhance or limit the author's account of ancient Egypt? What kinds of sources are unavailable to the historian, either because the Egyptians were not inclined to create them or because the sources have been lost over the years? What kinds of primary sources are most readily available to historians, again either because of Egyptian interest or preservation? How might the nature of our sources affect our view of Egyptian history?

Like many traditional cultures, the nucleus of ancient Egyptian society was the family. As modern psychiatrists have discovered, the Egyptians knew that a stable and happy family produces secure and contented children, children who would realize their full potential as adults and contribute positively to their society. Hence marriage, as the fundamental basis of the family, was very highly regarded and universally practiced. Indeed, through their role in establishing and maintaining the family and through the care of children, tomorrow's adults, Egyptian women can rightly be said to have contributed to those areas of Egyptian culture—literature, mathematics, technology, and so on—which were apparently monopolized by men.

Early marriage was desirable and universal and its aim was to establish a family. Children were all important, especially a son who would carry out the funerary rituals for his parents. From the books of instructions which were written in the Old Kingdom and later, we can get an idea of how the ancient Egyptians themselves viewed marriage, with the proviso that these compositions were always authored by men and addressed to other men, usually the pupil of the writer. Nowhere do we have comparable texts written by or for women. This source then, though useful, may well be biased.

Most marriages seem to have been within the same social stratum and no doubt this helped to keep property and professions within the family. One well-documented example from the sixth century gives an